Remarks:

Pursuant to 37 C.F.R. § 1.111, and in response to the Office Action mailed October 27, 2003, the amendments and remarks are submitted for your consideration. A Petition for a Two Month Extension of Time has been filed concurrently with this response, extending the time to respond to March 27, 2004. Since March 27, 2004 fell on a Saturday, the period to respond has been extended to March 29, 2004.

Claims 13-29 are presented for Examiner Pratt's reconsideration in view of the foregoing amendments and the following remarks.

By way of the Office Action mailed October 27, 2003, Examiner Pratt rejected claims 13-15 and 20 under 35 U.S.C. 102 (b) as being anticipated by Swieringa (U.S. 4,874,457). To the extent such rejection is still maintained with respect to the amended claims, such rejection is traversed.

The Swieringa reference is concerned with the corrugation of a flexible web containing heat softenable fibers. The Examiner has asserted that the reference allows for the web to have up to 100 percent fusible fibers, by citing claim 1, lines 1-2. Applicants respectfully submit that the reference fails to teach the high level of fusible fibers claimed in the present application, and certainly not up to 100 percent. The current Application clearly states why such higher level of fusible fibers are included. As is stated in the specification at page 17, lines 14-16, at least 40 percent of the fibers need to be fusible to result in a corrugated web with sufficient mechanical compression resistance. The Examples in the specification also show that corrugated webs having less than 40 percent fusible fibers have poorer compressive toughness as compared to the webs having more than 40 percent of the surface comprised of fusible fibers. The reference does not teach such specific amounts. It is further respectfully submitted that the reference does not teach use of the corrugated material in a personal care product below a liner layer of the personal care product. See support for the amendment at page 12, lines 14-23, and page 13, lines 14-26. Still further, it is not believed that the reference discloses a corrugated material having a density less than 0.02 g/cc. Support for this amendment may be found at page 19, lines 19-21. Finally, the illustrated process methods in the reference appear to differ from the rotary lapping method described in the current Application. For these reasons, it is respectfully

submitted that th reference does not teach each of the current limitations of claims 13-15 and 20, and therefore the rejection should be withdrawn.

The Examiner has rejected claims 16-19, 21 and 24-29 under 35 U.S.C. 103(a), as being unpatentable over Swieringa in view of Huntoon et al. (U.S. 5,906,879). To the extent such rejection is still maintained with respect to the amended claims, such rejection is traversed. For the previous reasons, the Swieringa reference cannot be used as a base reference for an obviousness-type rejection. It is respectfully submitted that the base reference fails to suggest the "use" or "density", as now claimed in claim 13. The combination of teachings from the references also fails to suggest the subject of claim 13 and claims depending therefrom.

The Examiner has also acknowledged that Swieringa fails to teach the use of superabsorbent fibers, a method of initially forming the nonwoven web, and applicant's claimed uses. While Huntoon teaches the incorporation of superabsorbent fibers into the Huntoon corrugated structure, the Huntoon structure is quite different from that described in the current application, as it includes gaps between folds, which gaps are designed for a specific purpose (for a liner as opposed to a layer below the liner). Further, the Examiner has cited Figure 12 of the Swieringa reference in order to demonstrate the proposition that the reference teaches the corrugated web positioned transversely to other nonwovens. The Examiner should note that the claim language of claim 24 requires that the corrugated web be aligned in a product in the transverse direction. This limitation is different from anything explicitly taught or suggested by Figure 12, especially in light of the absence of discussion in the Swieringa patent as to the direction of manufacture of the cover layer 48. Further, the Huntoon reference describes the channels as a means for allowing air to contact the skin and separating feces from the skin (as in a liner layer) as opposed to a liquid handling system below a liner layer. One would therefore not be motivated to combine the teachings of Huntoon with Swieringa. Further, the Huntoon reference does not suggest at least one missing claim component in Swieringa, that at least 40 percent of the fibers be fusible. For these reasons, it is respectfully submitted that the references do not in combination suggest each of the current limitations of claims 16-19, 21 and 24-29, and therefore the rejection should be withdrawn.

Finally, by way of the same Office Action, the Examiner has rejected claims 22-23 under 35 U.S.C. 103 (a) as being unpatentable over Swieringa, in view of Chen et al. (U.S. 5,865,824, Buck et al. (U.S. 4,263,363) or Hartwell (U.S. 3,881,489). To the extent that this rejection is still maintained with respect to the amended claims, it is travers d. As the Examiner has noted,

Swieringa is silent with respect to void volume. The Examiner has asserted that it would have been obvious to increase the void volume of Swieringa's web, if it did not already have such a void volume. By use of the phrase "may", the Examiner has indicated that the Swieringa web may or may not have such a void volume. Such indefiniteness would not support an inherency position. Further, it is not clear to Applicants that each of the cited references rely on "creped" processes to achieve increases in void volume. For example, the Chen citation refers to the expansion of a cellulosic-based material, and the Buck citation alludes to a foam structure. Nevertheless, Applicants submit that while creped processes themselves may have opportunity to increase the void volume over pre-creped webs, they do not automatically allow for the higher levels of void volume described in the claim. The void volume number cited in claim 22 is significantly higher than those described in the references (based on calculations from the equations previously provided in Amendment One). It is therefore respectfully submitted that the Examiner has not demonstrated that such property would clearly be inherent. As the Swieringa reference does not describe the specific use of the Swieringa material, it would be merely an assumption that one would be motivated to improve the fluid handling capabilities of such material.

Further, while Applicant would assert that there is no teaching to the levels of void volume in Swieringa, and such is not inherent, even if one were to combine the references, one would not arrive at the claimed invention for the previously stated reasons. For all of these reasons, it is respectfully submitted that the references do not in combination suggest each of the current limitations of claims 22-23, and therefore the rejection should be withdrawn.

It is therefore respectfully submitted that all of the currently presented claims are in form for allowance. However, should the Examiner feel that issues remain unresolved, he is hereby encouraged to call the undersigned at: (770) 587-8646.

Please charge any prosecutional fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

MARGARET GWYN LATIMER ET AL.

By: _____

Steven D. Flack
Registration No.: 40,608
Attorney for Applicant(s)